

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 20, 2010
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
ROBERT J. SLYE, CITY ATTORNEY
JAMES A. BURROWS, CITY ATTORNEY**

City Staff Present: Ken Mix, Kurt Hauk, Jim Mills, Gene Hayes

The City Manager presented the following reports to Council:

- 1 - Commissioner of Deeds
- 2 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Matthew A. Doheny
- 3 - Approving Amendment No. 77 to the Management and Management Confidential Pay Plan
- 4 - Naming of Street and Approving Addition to the City of Watertown's Local Highway Inventory
- 5 - Approving an Extension of the Agreement for Empire Zone Administration Services, Camoin Associates, Inc.
- 6 - Approving Amendment No. 2 to the State Assistance Contract for Sewall's Island Environmental Restoration Program Grant
- 7 - Approving Change Order No. 1 to Agreement A.J. Montclair, Inc. for Reconstruction of Riggs Avenue
- 8 - Authorizing Real Property Tax Exemption, Creekwood Apartments
- 9 - Finding that the City's determination to Exercise Eminent Domain to Acquire Sewer Facilities and Street Access From Stateway Plaza Shopping Center, Reg. Will Not Have a Significant Impact Upon the Environment
- 10 - Issuing the City's Determination and Findings in Connection With the Exercise of Eminent Domain to Acquire Sewer Facilities and Street Access from Stateway Plaza Shopping Center, Reg.
- 11 - Approving the Site Plan for the Construction of a 26 Space Parking Lot at 215 Maywood Terrace, Parcel No. 3-01-201

- 12 - Approving the Site Plan for the Construction of a 3,044 Square Foot Sunoco/A-Plus Store and New Fuel Dispensers Located at 1255 Arsenal Street, Parcel Numbers 9-19-102 and 9-19-102.100
- 13 - 7:30 p.m. Local Law No. 5 of 2010 – Annexing Territory from the Town of Watertown
- 14 - City Clerk and City Manager Annual Review Process Discussion
- 15 - Tourism Fund Report and Discussion
- 16 - Margin Parking Legislation, Vehicles and Traffic
- 17 - Sales Tax Revenue – November 2010
- 18 - Reassessment Map
- 19 - Quarterly Financial Report
- 20 - New York Conference of Mayors, *You Can't Cap What You Can't Control*
- 21 - Letter from James H. McGowan
- 22- Letter from Woodruff Professional Group, LLC

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of December 6, 2010 was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

Communications from James McGowan and the Woodruff Professional Group were received concerning the proposed entrance road to the J.B. Wise parking lot.

ABOVE PLACED ON FILE

Mayor Graham interrupted the regular course of business to allow the Fire Department to present Life Safety Awards to Firefighters Troy Chisamore and Jeffrey Narrow of the Watertown Fire Department for saving the life of an individual who was trapped in a burning apartment on Sterling Street.

PRIVILEGE OF THE FLOOR

No one spoke.

PUBLIC HEARING

AT 7:30 MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 5 OF 2010.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

R E S O L U T I O N S

INTRODUCED BY COUNCIL MEMBER SMITH

RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term ending December 31, 2012:

City Employees

James R. Spencer, Jr.
David W. Horr
George A. Cummings
Jacob W. Bull
Suzanne M. Chartrand
Darren Kevin Yott
Richard C. Wood
John W. Oliveau
Mark W. Sutton
Glenn M. Brady
Dennis C. Lawlee
Sean Patrick Boyle
Joseph R. Donoghue Sr.
James R. McNitt
Stephen Russell Backus
Wayne McConnell
Kenny C. Noone
Jason J. Badalato
Christopher Lee Thomas
Joseph C. Reff
Holly Marie Trottier
Michael J. LaBarge
Charles P. Donoghue
Cristin N. Fuhrman
Adam Charles Beshures

Matthew Thomas Roll
Matthew D. Freedom
Scott J. Freeman
Richard J. Purvis
Christopher R. Aher
Michael B. Zicari
Joseph J. Goss
Roy Edward Whitmore
Erika L. Derouin
William K. Rafferty
Gary Robert Comins
Cheryl A. Clark
Charles L. Bickel III
Vance J. Trapp
Eric McLane
Scott Michael McIntyre
Peter C. Keck
Elizabeth M. Lewis
Michael S. Maney
Frederick E. March II
Joseph A. Giaquinto
Jonathan M. Pitts
Shane Michael Ryan
Andrew Thomas Neddo
Nicole Marchiony

Nathan Lee McKeever
Mark Lamica
Vanessa J. Alexander
Matthew Dawley
Dennis P. O'Brien
Michael J. Mullins
Ronald E. Gatch
James Albert Romano

Gregory P. Gibbs
Frank J. Derrigo, Jr.
Joshua W. Davis
Carolyn Meunier
Howard Schnettler
Joshua P. Moran
Michael S. Youlen
Jerry D. Golden

Non-City Employees

Margaret S. Granger
Mary G. Izzo
Scott Edward Sterling
Christine Diane Bonney
Cassandra Bixler
Martha Dupell

Barbara Ann Walroth
Martha A. McIntosh
Vickie Lynn Rice
Patricia R. Macklin
Jason Andrew McAvoy

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

BE IT RESOLVED that the City Council of the City of Watertown, New York, that Matthew A. Doheny, 303 Paddock Street, Watertown, New York, is hereby appointed to the Roswell P. Flower Memorial Library Board of Trustees, for a term of eleven (11) years, which term expires December 31, 2021.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Commenting on the foregoing resolution, Council Member Burns thanked Mr. Doheny for volunteering to serve on the library board. She also commended the library board for the wonderful job they did in thanking Mr. Brett who served many years on the board of directors.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 77 to the Management and Management Confidential Pay Plan, effective January 10, 2011 as follows:

Position	Salary
Confidential Assistant to the City Manager	\$ 43,500

Upon completing one year of service in this position, salary will increase by \$1,000.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

Commenting on the foregoing resolution, Council Member Burns thanked Mrs. Corriveau and Mrs. Giso for going the extra mile while being short staffed in their office.

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS each December, the City Engineering Department performs a review of our Local Highway Inventory and in early January submits their findings to the New York State Department of Transportation (NYSDOT), and

WHEREAS during this year's review, the City Engineering Department noticed that a City-maintained street has not been included in the City's inventory, and

WHEREAS the City of Watertown has and will continue to own and maintain the city street that runs from Rand Drive to William T. Field Drive,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown names the city-owned street that runs from Rand Drive to William T. Field Drive, _____ Street, and

BE IT FURTHER RESOLVED that the City of Watertown accepts maintenance and operational responsibility of _____ Street, as depicted in the map, which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Engineer Kurt W. Hauk is hereby authorized and directed to amend the City's Local Highway Inventory to include said street and provide the amended inventory to NYSDOT for their consideration.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

Commenting on the foregoing resolution, Mayor Graham suggested that this be tabled to allow Council to make an informed decision.

Council Member Burns remarked that she would like some time as Council doesn't name things after Council Members, just after Mayors.

Mayor Graham asked about the time line for this.

Mr. Hauk advised that while this should be done for the beginning of January, if it isn't, it can be submitted later. He advised, however, there must be a name for the street prior to the submission.

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO TABLE THE FOREGOING RESOLUTION. MOTION WAS SECONDED BY MAYOR GRAHAM AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Council of the City of Watertown, New York approved an Agreement for Empire Zone Administration Services with Camoin Associates, Inc. on December 3, 2007, and

WHEREAS the current Agreement with Camoin to provide Empire Zone Administration services expires on December 31, 2010, and

WHEREAS the services of Camoin Associates, Inc. will be needed to continue to administer the local program after December 31, 2010, and

WHEREAS the Zone Administrative Board is recommending that the City Council approve the Agreement with Camoin Associates to provide services through December 31, 2013,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Empire Zone Administration Services with Camoin Associates, Inc. a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager Mary M. Corriveau is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Macaluso asked for an explanation of this.

Mrs. Corriveau advised that while the program ended last June, there has to continue to be a liaison to local businesses that are certified for up to the next 10 years.

Council Member Butler explained that as the Empire Zone Chair he had reached out to the board and they had no problem with an extension for Camoin.

Discussion was held concerning the monies left in the program.

Mrs. Corriveau explained that now that we are sure the program has ended, we can do an analysis and make a decision about the amount that needs to be left in the program and the pro rate the fund to the entities involved. However, there has been no discussion with the state about this. Council concurred that a reasonable amount should be kept in the program and the rest should be dispersed back to the entities that put funding in originally – the State, County, City and Town.

Mrs. Corriveau will contact the State Comptroller's Office for more information and guidelines on how this can be done.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the New York State Department of Environmental Conservation and the City of Watertown entered into a State Assistance Contract on April 22, 2008 for the Environmental Remedial Investigation on Sewall's Island, and

WHEREAS the Contract was modified by Amendment No. 1 which extended the term of the Agreement to December 31, 2010, and

WHEREAS there is still an Interim Remedial Measure needed on the island to close out the investigation, and

WHEREAS the New York State Department of Environmental Conversation is proposing to amend the Contract to provide an additional \$49,000 from the State, which must be matched by the City of Watertown with \$5,444, and extend its term to December 31, 2012, and

WHEREAS the State of New York has drafted Contract Amendment No. 2 which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that is hereby approves Amendment No. 2 to the State Assistance Contract for the Sewall's Island Environmental Restoration Program Grant, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute Amendment No. 2 on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

Commenting on the foregoing resolution, Council Member Butler asked where the matching funds would come from.

Mr. Mix advised that either they will come from the budget or they may have already been met with the current expenditures. He will have to check on this.

INTRODUCED BY COUNCIL MEMBERS TERESA R. MACALUSO

WHEREAS on July 6, 2010, the City Council of the City of Watertown approved a bid submitted by A. J. Montclair, Inc. of Canastota, New York, in the amount of \$385,696.50 for the reconstruction of Riggs Avenue, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 1 results in an additional charge of \$40,301.01, bringing the contract amount to \$425,997.51,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with A. J. Montclair, Inc., for the reconstruction of Riggs Avenue, in the amount of \$40,301.01, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the approval of this Change Order is subject to the City Council's approval of an amended bond ordinance to fund this project.

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Council Member Butler asked why the sewer cleanup couldn't have been done in house.

Mr. Hauk and Mrs. Corriveau explained that it is not cleaning out the sewers, it is installing sewer cleanouts.

Mr. Hauk also advised that the new system was to go over the old one. However, adjustments had to be made in the field and that shifted the new system.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City Council of the City of Watertown finds there to be a shortage of affordable housing units within the City and surrounding area, and

WHEREAS a proposal has been put forth by Norstar Development USA, L.P. to provide affordable housing owned by a Housing Development Fund Company to be formed pursuant to the Private Housing Finance Law Article XI, by the construction of a project located at 918 Mill St on tax parcels 3-14-101.200 and 3-14-105.200, and

WHEREAS the location of Norstar's proposed project had been included in the NYS Empire Zone for the purpose of providing certain tax benefits under Real Property Tax Law§485-e, and

WHEREAS the NYS Empire Zone program has expired and the desired incentives are no longer available under that program, and

WHEREAS pursuant to Private Housing Finance Law §577, the local legislative body of any municipality in which a project of a housing development fund company is located may exempt the real property in such project from local and municipal taxes including school taxes, and

WHEREAS it is the City's desire to offer the same exemption benefits that would have been conferred on such a project had it been constructed prior to the expiration of the Empire Zone.

NOW THEREFORE BE IT RESOLVED that upon the ownership of tax parcels 3-14-101.200 and 3-14-105.200 by a Housing Development Fund Company formed pursuant to the Private Housing Finance Law and the construction of a project by said Housing Development Fund Company, said project shall be exempt from City, County and School taxes in the same general manner as those exemptions previously offered under Real Property Tax Law§485-e, and

BE IT FURTHER RESOLVED exemption will commence on the first assessment roll following an increase to the assessment attributable to construction and will be for a term of 10 years. The amount of exemption is limited to a percentage of the increase in assessed value attributable to the construction or improvement as determined in the first year of exemption. This "base amount" remains constant throughout the term of the exemption, except where there is a change to the assessment, in which case the base amount is adjusted by the same percentage as the change in assessment. The first 7 years of the exemption, the exemption shall be at 100% of the "base amount." In years 8, 9 and 10 the exemption shall be at 75%, 50% and 25% respectively, and

BE IT FURTHER RESOLVED this exemption will terminate immediately in the event that the project is transferred to an entity other than, or no longer under the control of a Housing Development Fund Company formed pursuant to the Private Housing Finance Law, and

BE IT FURTHER RESOLVED that during the term of this exemption the project will utilize the City of Watertown's curbside refuse and recycling services by providing at minimum an individual 64 gallon tote for each occupied residential unit. The exemption will expire immediately in the event that the project no longer utilizes this service, and

BE IT FURTHER RESOLVED this exemption will terminate in the event that project is to be assessed pursuant to Real Property Tax Law 581-a at the request of project owner.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

Prior to the vote on the foregoing resolution, Council Member Butler commented that he had previously expressed his concerns that this project will place more demand on city services but will be paid for by taxpayers.

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO AMEND THE FIRST PARAGRAPH ON PAGE 2 OF THE RESOLUTION TO READ "The first 8 years of the exemption, the exemption shall be at 75% of the base amount. In years 9 and 10 the exemption shall be at 50% and 25% respectively."

Mayor Graham commented that he has mentioned before that when these types of amendments are being proposed, the proper wording should be prepared by the Council Member prior to making the motion.

Council Member Burns asked Attorney Slye if these amounts can be set at any percentage.

Attorney Slye commented Council can set the percentage. However, if this amendment is being proposed then the last paragraph on page 1 of the resolution should read **"said project shall be exempt from City, County and School taxes as set forth later in this resolution"**

Council Member Butler asked that this wording be incorporated into his original motion.

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH

Mrs. Corriveau advised that this would result in about \$110,000 worth of taxes for all the entities involved – Jefferson County, City of Watertown and the two school districts. She advised that if the money goes there, it won't go back into the lending agencies for their cash flows.

Mayor Graham commented that with all the starts and stops with this, he thinks it needs to be moved forward and felt that to start changing things now is not good.

Council Member Burns remarked that while she respects what Council Member Butler is saying and is also not a proponent of property tax exemptions, the system is what it is. She remarked that had this proposal come forward sooner, she would have supported it. However, it is too late in the game at this point.

AT THE CALL OF THE CHAIR VOTE WAS CALLED ON THE MOTION TO AMEND AND WAS DEFEATED WITH ALL VOTING NAY EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING YEA

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORIGINAL RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING NAY

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City Council of the City of Watertown, New York has considered exercising eminent domain to condemn an existing paved intersection located at Gaffney Drive and Commerce Park Drive and an existing 8 inch PVC pipe, manholes, and sanitary sewer facility within a 25 foot wide by 30 foot wide easement all located at 1222 Arsenal Street, Watertown, New York within tax parcel numbers 8-53-117.110 and 8-40-101.012 and which is locally known as Stateway Plaza (the “Proposed Intersection and Sewer Easement with Sewer Line”), and

WHEREAS the City Council must evaluate all proposed action submitted for consideration in light of the State Environmental Quality Review Act (“SEQR”) and the regulations promulgated pursuant thereto, and

WHEREAS the acquisition of the Proposed Intersection and Sewer Easement with Sewer Line by the use of condemnation would constitute such an “action”, and

WHEREAS the City Council has determined that the proposed acquisition is an “unlisted action” as that term is defined in 6NYCRR Section 617.2(ak), and

WHEREAS there are no other involved agencies for SEQR review as that term is defined in 6NYCRR Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the condemnation of the Proposed Intersection and Sewer Easement with Sewer Line will have a significant effect on the environment, part one of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made a part of this Resolution, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that based upon its examination of the Short Environmental Assessment Form in

comparison of the proposed action with criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the exercise of eminent domain to acquire the Proposed Intersection and Sewer Easement with Sewer Line from Stateway Plaza Shopping Center, Reg. will not have a significant effect upon the environment, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown is authorized to execute the environmental assessment form to the effect that the City Council is issuing a negative declaration under SEQR.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED
WITH ALL VOTING YEA**

Commenting on the foregoing resolution, Council Member Burns stated that this could only be considered a positive for development in the City.

Council Member Smith remarked that the only negative impact would be to not take this action.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown previously purchased a portion of Gaffney Drive, pumping station, and sewer lines immediately adjacent to Gaffney Drive for the purposes of promoting commercial development in that area of the City and to permit the City's paving of a portion of Gaffney Drive which, under private ownership, had deteriorated, and

WHEREAS the City Council believes that it is in the best interests of the citizens of the City to continue to promote commercial development of the Gaffney Drive area by making public all private sewer mains in that area which, in the discretion of the City, can then be maintained, repaired, expanded and/or improved to accommodate development (the "Sewer Easement with Sewer Line"), and

WHEREAS in addition to potential upgrades of sewer service in the area, the City Council believes that it should obtain title to a portion of land located at the intersection of Gaffney Drive extension and Commerce Park Drive to ensure continued public access and appropriate maintenance of that area for vehicular traffic (the "Proposed Intersection"), and

WHEREAS the Proposed Intersection and the Sewer Easement with Sewer Line are located at 1222 Arsenal Street, Watertown, New York and are owned by Stateway Plaza Shopping Center, Reg., 1010 James Street, Syracuse, New York 13203, and

WHEREAS the City has been unable to purchase the Proposed Intersection and the Sewer Easement with Sewer Line from the property owner, and

WHEREAS a public hearing pursuant to Article 2 of the Eminent Domain Procedure Law was conducted on October 4, 2010 for the purpose of informing the public and reviewing the public use to be served by the Proposed Intersection and the Sewer Easement and Sewer Line, and

WHEREAS no public comments were made in connection with the proposed project, and

WHEREAS the property owner has since objected to the proposed acquisition of the Proposed Intersection and the Sewer Easement with Sewer Line on procedural grounds, and

WHEREAS Article 2 of the Eminent Domain Procedure Law requires that within ninety (90) days after conclusion of the public hearing held pursuant to Article 2 of the Eminent Domain Procedure Law the City Council must make its Determination and Findings concerning the proposed project and must publish a brief synopsis of its Determination and Findings in at least two successive issues of its official newspaper, and

WHEREAS the City has concluded its environmental review pursuant to SEQR and has issued a negative declaration,

NOW THEREFORE BE IT RESOLVED that the City Council's Determination and Findings concerning the proposed project are attached as Exhibit A and are hereby incorporated for reference, and

BE IT FURTHER RESOLVED that the City Clerk of the City of Watertown shall cause a brief synopsis of the City's Determination and Findings concerning the proposed project to be published in two (2) successive issues of the Watertown Daily Times forthwith which synopsis shall also state that copies of the Determination and Findings will be forwarded upon request and without cost to interested parties, and

BE IT FURTHER RESOLVED that the City Clerk and/or her designee shall serve, by personal service or certified mail, return receipt requested, a notice of the brief synopsis upon: Stateway Plaza Shopping Center, Reg., 1010 James Street, Syracuse, New York 13203, Attn: Jeffrey Foster, Longley Jones Management; and Devorsetz Gilberti Stinziano Heintz & Smith, P.C., 555 East Genesee Street, Syracuse, New York 13202-2159, Attn: Kevin G. Roe, Esq., together with a full and complete copy of this Resolution with Determination and Findings with Notice that pursuant to EDPL §207 there are thirty (30) days from completion of final publication of the brief synopsis to seek judicial review of the Determination and Findings; and in accordance with EDPL §207 and 208 venue for any judicial review of the Determination and Findings is the Appellate Division 4th Dep't.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED
WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Attorney Burrows advised Council that the adoption of the City's Determinations and Findings must be completed within ninety (90) days of the Public Hearing. He also advised that there was a meeting scheduled for tomorrow at 11 a.m. with the owners of the property.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS Brian Drake, I.E., Project Engineer of GYMO, P.C. has made an application for site plan approval on behalf of the Watertown Housing Authority, for the construction of a 26 space parking lot located at 215 Maywood Terrace, Parcel Number 3-01-201, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on December 7, 2010, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. A stamped and signed copy of the Storm Water Pollution Prevention Plan (SWPPP) must be provided along with a copy of all correspondence and submittals to NYS DEC for the SWPPP approval.
2. The applicant must provide pre and post drainage calculations and drainage area maps.
3. Catch Basin #1 must be changed to a storm manhole and an associated detail must be provided.
4. The construction entrances shall be maintained in accordance with the approved SWPPP & the contractor shall provide appropriate traffic control measures (flaggers, signs, etc.) along Maywood Terrace.
5. The utility and grading plan should be modified to show a tapping saddle and 2" corporation stop meeting City of Watertown specifications for building No. 9 rather than a 2" tapping sleeve and valve.
6. The existing 2" line to building No. 7 must be cut and capped at the curb stop.
7. The water meter in building No. 7 must be removed by City personnel only when the buildings that are being served by that meter have been vacated and water is no longer required in them.
8. The engineer and/or contractor must coordinate all of the work associated with the domestic water supply with the Water Department.
9. To protect the trees from mechanical damage during construction, a detail for tree protection shall be added to the plan which directs the contractor to install and maintain construction fencing or another substantial barrier around the drip line of all of the trees to be saved.
10. Additional landscaping such as medium sized coniferous shrubs or coniferous trees shall be added on the street side of the proposed dumpster.

11. The applicant shall submit revised plans showing the proposed changes prior to City Council review.

And,

WHEREAS the applicant submitted a revised site plan to the City Engineering Department on December 15, 2010 that meets most of the conditions recommended by the Planning Board except the following:

1. A stamped and signed copy of the Storm Water Pollution Prevention Plan (SWPPP) must be provided along with a copy of all correspondence and submittals to NYS DEC for the SWPPP approval.
2. The applicant must provide pre and post drainage calculations and drainage area maps.
3. The construction entrances shall be maintained in accordance with the approved SWPPP & the contractor shall provide appropriate traffic control measures (flaggers, signs, etc.) along Maywood Terrace.
4. Additional landscaping such as medium sized coniferous shrubs or coniferous trees shall be added on the street side of the proposed dumpster.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that site plan approval is hereby granted to Brian Drake, I.E., Project Engineer of GYMO, P.C. for site plan approval on behalf of the Watertown Housing Authority, for the construction of a 26 space parking lot located at 215 Maywood Terrace, Parcel Number 3-01-201, as shown on the revised site plan submitted to the City Engineer on December 15, 2010, contingent on the applicant making the revisions and meeting the remaining conditions listed above.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Butler asked about the four exceptions still not being met.

Mr. Mix explained that those are things that will be reviewed by the Engineering Department before issuing a building permit.

Council Member Butler asked about the shrubs.

Attorney Slye advised that Council approves prior to these things being done with these four remaining as conditions to be met.

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS Brian J. Burri of Bergmann Associates has made an application for site plan approval on behalf of Sunoco, Inc., for the construction of a 3,044 square foot Sunoco/A-Plus store and new fuel dispensers located at 1255 Arsenal Street, Parcel Numbers 9-19-102 and 9-19-102.100, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on November 30, 2010, pursuant to General Municipal Law Section 239-m and adopted a motion that the project does not have any significant county-wide or intermunicipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on December 7, 2010, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. If storm water approval from the NYSDOT is required for this project, a copy of all correspondence and submittals to the NYSDOT must be provided to the City Engineering Department.
2. The applicant shall add seasonal planter boxes to the interior parking lot area.

3. The applicant shall submit a drawing depicting the line of sight for vehicles exiting the parking lot and which illustrates that the design and location of the proposed pylon sign does not conflict with the sight distance.
4. A survey map that is stamped and signed with an original seal must be provided to the City Engineering Department.
5. The proposed vinyl fence along the southern property line shall be changed from 8' to 6' in height per the City's Zoning Ordinance. The note on sheet D-1 and the detail on sheet DE-2 must be revised accordingly.
6. The proposed storage building must be attached to and made part of the main building.
7. The applicant shall submit a revised site plan illustrating the proposed modifications.

And,

WHEREAS it has been determined that the project does not require a Highway Work Permit from the NYSDOT and the applicant submitted a revised site plan to the City Engineering Department on December 14, 2010 that meets all of the conditions recommended by the Planning Board, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that site plan approval is hereby granted to Brian J. Burri of Bergmann Associates for site plan approval on behalf of Sunoco, Inc., for the construction of a 3,044 square foot Sunoco/A-Plus store and new fuel dispensers located at 1255 Arsenal Street, Parcel Numbers 9-19-102 and 9-19-102.100, as shown on the revised site plan submitted to the City Engineer on December 14, 2010.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

LOCAL LAW

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON LOCAL LAW NO. 5 OF 2010, ANNEXING TERRITORY FROM THE TOWN OF WATERTOWN AND CARRIED WITH ALL VOTING IN FAVOR THEREOF. (Introduced on December 6, 2010; public hearing held this evening; appears in its entirety on page 251 of the 2010 Minutes Book).

Prior to voting on the local law, Council Member Smith asked if he was correct in the fact that the City owned this property.

Mrs. Corriveau stated that was correct.

Mayor Graham commented that there was a realization in the 1990's that the City had property outside of its boundaries and we were paying taxes on the parcels.

Mrs. Corriveau advised that this local law was to cleanup an annexation that was begun in the late 1990's with the Town of Watertown. The City had not been aware at the time that the Town had completed the necessary paperwork. She also advised that the City owns the parcel on Route 11 where the quarry is located and the Town of Pamela charges the City taxes on it.

Council Member Burns remarked that it is odd that one municipality would charge another municipality taxes.



COUNCIL DISCUSSED THE FOLLOWING TOPICS:

City Clerk and City Manager Annual Review Process

After Council discussion, it was decided that they definitely did not want to use the number system in the future. They decided to meet in executive session on January 10th and to determine the parameters for the review. Council will then meet as a body with the Clerk and the Manager.

After completion of the review process, as written general consensus will be released to the public.

Mayor Graham asked that the Clerk and the Manager supply the previous review form that was used to allow Council members to select some of the criteria that they felt was important. He also asked both to supply summaries of their accomplishments over the past year by January 10th.

Mayor Graham questioned if this could be eliminated.

Attorney Slye stated that it could not as it is in the charter and would take duties away from the Council. Doing so is subject to mandatory referendum.

Margin Parking Legislation, Vehicles and Traffic

Council Member Burns thanked staff and the committee for this proposed legislation. She asked that this ordinance be prepared for the next Council meeting.

Council Member Smith remarked that he has concerns about the residents on Thompson Boulevard.

Mrs. Corriveau responded that they will have to park behind their homes as they all have parking areas there.

Sales Tax Revenue, Reassessment Map, Quarterly Financial Report, NYCOM Information

Council reviewed these contained in their agenda packets.

Tourism Fund

Council reviewed this report. Mayor Graham commented that he had spoken with Ms. Garrett from the Zoo's board of directors and they are very willing to move forward with the aviary.

Council discussed the monies in the tourism fund and Mr. Mills advised that the amount is subject to what Council approves for transfer.

J.B. Wise Road

Council Member Butler asked if the City had offered land swapping to the Woodruff Professional Group.

Mrs. Corriveau responded that Council hasn't said that they wanted to move in that direction. She advised that she had asked Mr. Hauk to look at it to see if the City can do a move that would make sense. She commented that she would like to work with the group to see if anything could be done to alleviate their concerns.

Council Member Macaluso asked Mr. Hauk if the curb could be extended so that they could have drop offs and make it so that everyone could go left.

Council Member Burns commented that if individual Council Members are considering altering the plans, they should meet with the City Manager and City Engineer and then come back to the full Council with the recommendations.

Council Member Butler remarked that he would be willing to meet with the professional group individually.

Council Member Burns responded that she didn't mean meeting with the property owners. She stated that she is open to working with them, but only if she knows the additional costs and the details.

Mayor Graham remarked that the City has hired engineers and we have engineers in house as well as City Planning and based on this design, he sees no problem.

Council Member Butler responded that he takes the property owners input into consideration as the City doesn't always know best.

Council Member Smith referred to a letter sent to the City from the Woodruff group in 2006 and asked if Council could have a copy of that letter.

Mrs. Corriveau advised that staff did meet with the doctors. When the first draft of the J.B. Wise lot design was done the majority of the parking spaces that were going to be lost were on their side. Consequently, the lot was redesigned to address their concerns. She also advised that she wasn't aware that they were using that spot as an ambulette service. She commented that she agreed with Council Member Butler that we should take a look at a way to mitigate some of the concerns. It is worth having the City Engineer take a look at it.

USDA

Council Member Smith asked when these people were coming.

Mrs. Corriveau advised that we just received the signed contract from them. They should be here sometime in January.

Friendly's

Mrs. Corriveau remarked that Friendly's is ready to move forward and construction should start in February.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:43 P.M.
BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL
MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Donna M. Dutton
City Clerk